

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of N.B., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20051026-CA
)	
L.G.,)	F I L E D
)	(March 9, 2006)
Appellant,)	
)	2006 UT App 99
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 456654
The Honorable Sharon P. McCully

Attorneys: Jacee E. Ballard, Salt Lake City, for Appellant
Mark L. Shurtleff, Carol L.C. Verdoia, and John M.
Peterson, Salt Lake City, for Appellee
Martha Pierce and Suchada Bazelle, Salt Lake City,
Guardians Ad Litem

Before Judges Billings, Davis, and Thorne.

PER CURIAM:

L.G. (Mother) appeals the termination of her parental rights in N.B. Mother asserts there was insufficient evidence to support the termination of her rights. We affirm.

A juvenile court's findings of fact will not be overturned unless clearly erroneous. See In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as the ability to judge credibility firsthand. See id. So, in reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made

or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118.

The juvenile court found several grounds for termination, including unfitness, a failure to remedy the circumstances leading to removal, and a failure of parental adjustment. See Utah Code Ann. § 78-3a-407 (2002). A review of the record shows there was sufficient evidence to support the juvenile court's findings and conclusions regarding each of these grounds, although any single ground is sufficient for termination. See id.

Mother asserts on appeal that she has corrected the circumstances that led to the removal of N.B. However, the trial record establishes that she failed to comply with her service plan requirements and failed to address the circumstances leading to removal. After being ordered to complete drug treatment and participate in drug testing, Mother had several dirty drug tests, failed to test as required, and failed to follow through with drug treatment. She began intake procedures with two facilities but did not return to either. She admittedly continued to use drugs after the removal, even escalating usage from smoking to injecting. Although Mother was permitted visitation, she did not exercise visitation regularly. Additionally, at the time of trial, Mother had no stable housing and no employment. She had not started drug treatment.

The evidence establishes that Mother's drug addiction rendered her an unfit parent. See Utah Code Ann. § 78-3a-408 (2)(c) (2002) (providing that drug use must be considered as evidence of unfitness). She acknowledged that her home was not safe for N.B. after his removal. Mother's drug use was the primary reason for the removal. She had not addressed her drug problem at the time of trial, and thus, had failed to remedy the circumstances leading to the removal. Additionally, because she had not even begun treatment or obtained stable, appropriate housing, a substantial likelihood existed that she would not be able to effectively parent in the near future. See id. § 78-3a-407(d). And, notwithstanding the services provided in an effort to reunify, Mother has been unwilling or unable to correct the circumstances and conduct that led to the out-of-home placement of N.B. See id. § 78-3a-407(e). In sum, there was sufficient evidence supporting the juvenile court's termination of Mother's parental rights.

Accordingly, the termination of Mother's parental rights in N.B. is affirmed.

Judith M. Billings, Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge